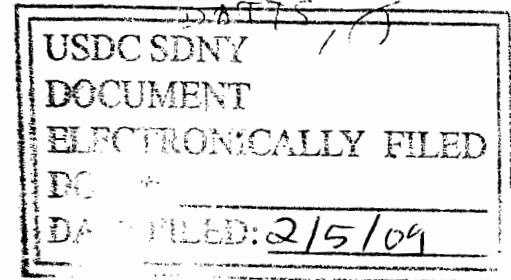


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



MICHAEL JOHNSON,

Plaintiff, **STIPULATION AND
ORDER OF SETTLEMENT
AND DISCONTINUANCE**

-against-

04 Civ. 6858 (DAB)

CITY OF NEW YORK; PO JOSE FRIAS; PO RODRIGUEZ;
and LT VALENTINO AVALLONE, individually and in their
official capacities as New York City Police Officers,

Defendants.

-----X

WHEREAS, plaintiff Michael Johnson commenced this action by filing a complaint on or about August 25, 2004, alleging that defendants violated his constitutional rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff Michael Johnson the sum of *Eighteen Thousand Dollars (\$18,000.00)* in full satisfaction of all claims, including claims for costs, fees and expenses. In consideration for the payment of this sum, plaintiff Michael Johnson agrees to dismissal with prejudice of all claims against

defendants, and to release all defendants, and any present or former employees or agents of the City of New York, and the New York City Police Department, from any and all liability, claims, or rights of action under state or federal law arising from and contained in the complaint in this action, including claims for costs, expenses or attorneys fees.

3. Plaintiff Michael Johnson shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above, and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York, or the New York City Police Department.

6. This Stipulation and Order, comprising three typewritten pages, contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto or to vary the terms and conditions contained herein.

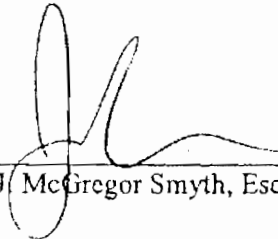
Dated: New York, New York

~~October, 2008~~

January 9, 2009

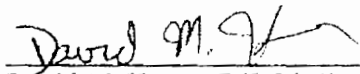
J. McGregor Smyth, Esq.
The Bronx Defenders
860 Courtlandt Avenue
Bronx, New York 10451
(718) 838-7878

By:

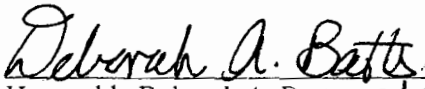

J. McGregor Smyth, Esq. (JS-9995)

MICHAEL A. CARDOZO
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(212) 788-8084

By:


David M. Hazan (DH-8611)
Senior Counsel
Special Federal Litigation Division

SO ORDERED:


Honorable Deborah A. Batts 2/5/09
United States District Judge, S.D.N.Y.